

AMENDED IN SENATE APRIL 9, 2008

SENATE BILL

No. 1276

Introduced by Senator Ashburn

February 19, 2008

An act to add Section 21100.1 to the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately. An act to add Chapter 2.4 (commencing with Section 35523) to Part 5 of Division 13 of the Water Code, relating to the Vandalia Water District.

LEGISLATIVE COUNSEL'S DIGEST

SB 1276, as amended, Ashburn. ~~Vandalia Irrigation District. Vandalia Water District.~~

(1) The California Water District Law provides for the establishment of water districts, and grants a district the power to acquire, plan, construct, maintain, improve, operate, and keep in repair the necessary works for the production, storage, transmission, and distribution of water for irrigation, domestic, industrial, and municipal purposes.

This bill would dissolve the Vandalia Irrigation District in the County of Tulare, and establish the Vandalia Water District in that county, which would succeed to, and be vested with, all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the former Vandalia Irrigation District. The bill would declare the Vandalia Water District to be, and require that the district be deemed, a California water district. Because this bill would establish requirements on the Vandalia Water District, it would impose a state-mandated local program.

This bill would make legislative findings regarding the necessity of a special statute.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Under the Irrigation District Law, a director of a district formed pursuant to that law is generally required to be a voter, landowner of the district, and a resident within the division which the director represents.~~

~~This bill would authorize the directors of the Vandalia Irrigation District to adopt a resolution that authorizes a person who meets only the landowner requirement to be a director in those districts. The bill would authorize the registered voters in those districts to request, in writing, that all of the directors who are appointed or elected subsequent to the receipt of the request be required to meet the requirements of existing law. The bill would require all the directors who are appointed or elected subsequent to the receipt of the request to meet the requirements of existing law if the directors determine that at least 25% of the registered voters have signed the request.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 2.4 (commencing with Section 35523)
2 is added to Part 5 of Division 13 of the Water Code, to read:

3

4 CHAPTER 2.4. PROVISIONS PERTAINING ONLY TO THE
5 VANDALIA WATER DISTRICT

6

7 35523. (a) Notwithstanding any other provision of law, the
8 Vandalia Irrigation District in the County of Tulare is dissolved,
9 and the Vandalia Water District is hereby formed in that county.

10 (b) The Vandalia Water District is declared to be, and shall be
11 deemed, a water district as if the district had been formed pursuant
12 to this division. The exterior boundary of the Vandalia Water

1 *District shall be the exterior boundary of the former Vandalia*
2 *Irrigation District.*

3 *(c) The Vandalia Water District succeeds to, and is vested with,*
4 *all of the powers, duties, responsibilities, obligations, liabilities,*
5 *and jurisdiction of the former Vandalia Irrigation District.*

6 *(d) The status, position, and rights of any officer or employee*
7 *of the former Vandalia Irrigation District are not affected by the*
8 *transfer and shall be retained by the person as an officer or*
9 *employee of the Vandalia Water District.*

10 *(e) The Vandalia Water District shall have ownership,*
11 *possession, and control of all of the books, records, papers, offices,*
12 *equipment, supplies, moneys, funds, appropriations, licenses,*
13 *permits, entitlements, agreements, contracts, claims, judgments,*
14 *land, and other assets and property, real or personal, owned or*
15 *leased by, connected with the administration of, or held for the*
16 *benefit or use of, the former Vandalia Irrigation District.*

17 *(f) The unexpended balance as of January 1, 2009, of any funds*
18 *available for use by the former Vandalia Irrigation District shall*
19 *be available for use by the Vandalia Water District.*

20 *(g) No payment for the use, or right of use, of any property, real*
21 *or personal, acquired or constructed by the former Vandalia*
22 *Irrigation District shall be required by reason of the succession*
23 *pursuant to this act, nor shall any payment for the Vandalia Water*
24 *District's acquisition of the powers, duties, responsibilities,*
25 *obligations, liabilities, and jurisdiction be required by reason of*
26 *that succession.*

27 *(h) All ordinances, rules, and regulations adopted by the former*
28 *Vandalia Irrigation District in effect immediately preceding*
29 *January 1, 2009, shall remain in effect and shall be fully*
30 *enforceable unless amended or repealed by the Vandalia Water*
31 *District, or until they expire by their own terms. Any statute, law,*
32 *rule, or regulation in force as of December 31, 2008, or that may*
33 *hereafter be enacted or adopted with reference to the former*
34 *Vandalia Irrigation District shall mean the Vandalia Water*
35 *District.*

36 *(i) Any action by or against the former Vandalia Irrigation*
37 *District shall not abate, but shall continue in the name of the*
38 *Vandalia Water District, and the Vandalia Water District shall be*
39 *substituted for the former Vandalia Irrigation District by the court*

1 *in which the action is pending. The substitution shall not in any*
2 *way affect the rights of the parties to the action.*

3 *(j) No contract, lease, license, permit, entitlement, bond, or any*
4 *other agreement to which the former Vandalia Irrigation District*
5 *is a party shall be void or voidable by reason of the enactment of*
6 *this chapter, but shall continue in effect, with the Vandalia Water*
7 *District assuming all of the rights, obligations, liabilities, and*
8 *duties of the former Vandalia Irrigation District. Bonds issued by*
9 *the former Vandalia Irrigation District shall become the*
10 *indebtedness of the Vandalia Water District. Any continuing*
11 *obligations or responsibilities of the former Vandalia Irrigation*
12 *District for managing and maintaining bond issuances shall be*
13 *transferred to the Vandalia Water District without impairment to*
14 *any security contained in the bond instrument.*

15 *SEC. 2. The Legislature finds and declares that a special law*
16 *is necessary and that a general law cannot be made applicable*
17 *within the meaning of Section 16 of Article IV of the California*
18 *Constitution because of the unique circumstances of the Vandalia*
19 *Irrigation District in the County of Tulare. The facts constituting*
20 *the special circumstances are:*

21 *The Vandalia Irrigation District has few registered voters who*
22 *are both eligible and willing to hold office as members of the*
23 *district's board of directors. Rather than create a new special*
24 *exception to the Irrigation District Law and permit landowners to*
25 *vote and hold office on an irrigation district's board of directors,*
26 *the Legislature prefers to convert the Vandalia Irrigation District*
27 *into a California water district which is governed pursuant to a*
28 *principal act that allows landowners to vote and hold office. Rather*
29 *than require local officials, residents, and landowners to spend*
30 *several months implementing the statutory procedures necessary*
31 *for the concurrent dissolution of an irrigation district and the*
32 *formation of a California water district, the Legislature prefers*
33 *to implement this reorganization directly.*

34 *SEC. 3. No reimbursement is required by this act pursuant to*
35 *Section 6 of Article XIII B of the California Constitution because*
36 *the only costs that may be incurred by a local agency or school*
37 *district are the result of a program for which legislative authority*
38 *was requested by that local agency or school district, within the*
39 *meaning of Section 17556 of the Government Code and Section 6*
40 *of Article XIII B of the California Constitution.*

1 ~~SECTION 1. Section 21100.1 is added to the Water Code, to~~
2 ~~read:~~

3 ~~21100.1. (a) This section applies to the Vandalia Irrigation~~
4 ~~District.~~

5 ~~(b) Notwithstanding Section 21100, the board of directors of~~
6 ~~the district may adopt a resolution that authorizes a person who~~
7 ~~meets only the landownership requirement of Section 21100 to be~~
8 ~~a director of the district.~~

9 ~~(c) Notwithstanding the adoption of a resolution pursuant to~~
10 ~~subdivision (b), the registered voters in the district may request,~~
11 ~~in writing, that all of the directors who are appointed or elected~~
12 ~~subsequent to the receipt of the request be required to meet all of~~
13 ~~the requirements of Section 21100. The request shall be submitted~~
14 ~~to the directors.~~

15 ~~(d) If the directors determine that at least 25 percent of the~~
16 ~~registered voters in the district have signed the request submitted~~
17 ~~pursuant to subdivision (c), all of the directors who are appointed~~
18 ~~or elected subsequent to the receipt of the request shall meet all~~
19 ~~of the requirements of Section 21100.~~

20 ~~SEC. 2. The Legislature finds and declares that this act, which~~
21 ~~is applicable only to the Vandalia Irrigation District, is necessary~~
22 ~~because a substantial portion of the land included within the district~~
23 ~~is owned by persons not residing within the district who are~~
24 ~~concerned with the affairs and support of the district. It is,~~
25 ~~therefore, hereby declared that a general law cannot be made~~
26 ~~applicable to those districts in accordance with Section 16 of~~
27 ~~Article IV of the California Constitution, and that the enactment~~
28 ~~of the special law is necessary for the solution of problems existing~~
29 ~~within those districts.~~

30 ~~SEC. 3. This act is an urgency statute necessary for the~~
31 ~~immediate preservation of the public peace, health, or safety within~~
32 ~~the meaning of Article IV of the Constitution and shall go into~~
33 ~~immediate effect. The facts constituting the necessity are:~~

34 ~~In order that the changes affecting the qualifications of the~~
35 ~~directors of the Vandalia Irrigation District may take effect at the~~
36 ~~earliest possible date, it is necessary that this act take effect~~
37 ~~immediately.~~